

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 11 January 2005. Responsive to the Office Action, Claims 1,– 9 have now been amended, and Claims 10 – 18 have been newly inserted for further prosecution. It is believed that with such amendment and insertion of claims, there is a further clarification of the invention as recited by the pending claims.

In the Office Action, the Examiner objected to the Specification for containing a possible typographical error. The Examiner queried whether the word “paste” appearing at line 16 of page 1 should correctly read “plate.” It is respectfully submitted that the term “paste” is correctly typed, as further references to and description of the “back paste 14a” in other parts of the disclosure make apparent. Withdrawal of this objection is respectfully requested.

Also in the Office Action, the Examiner objected to Claims 1 – 9 for containing certain informalities. It is believed that the amendments hereby incorporated into Claims 1 – 9 now obviate the Examiner’s formal concerns.

The Examiner rejected Claims 1 and 3 – 7 under 35 U.S.C. § 102(b) as being anticipated by the Wachtel reference. The Examiner additionally rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Wachtel. In setting forth the latter rejection, the Examiner acknowledged that Wachtel fails to specify a particular type of synthetic resin, but nonetheless concluded that manufacturing certain of the claimed parts out of synthetic resins such as polypropylene or

polyvinyl chloride would have been obvious to one of ordinary skill in the art.

The Examiner rejected Claims 8 – 9 also under 35 U.S.C. § 103(a) as being unpatentable over Wachtel in view of the Huang reference. In setting forth this rejection, the Examiner cited Huang for disclosing a cover having a pinch portion extending from a top thereof. The Examiner further rejected Claims 1 and 3 – 7 under the same statutory section as being unpatentable over Wachtel in view of the Gueret reference, citing Gueret for disclosing a massage structure having a “U-shaped” fastening portion arranged circularly inward.

Regarding the Huang reference, such is in fact a patent earlier issued to Applicant. It is believed that the Examiner’s reliance on that reference is overcome by the newly-amended and newly-inserted claims presented hereby.

As each of the newly-amended and newly-inserted independent Claims 1 and 10 now more clearly recites, the claimed massage brush includes among its combination of features a “massage structure having a fastening portion” which extends “radially inward.” The massage brush also includes among its combination of features a pad that includes a “restriction portion having a base extending radially therefrom” as well as a “flange projecting at least partially over ... [such] restriction portion base to define a recess.” As each of the independent Claims 1 and 10 further clarifies, the massage structure’s “fastening portion” extends to be received in this “recess,” for retentive engagement therewith.

The full combination of these and other features now more clearly recited

by Applicant's pending claims is nowhere disclosed by the cited references. Note in this regard that Wachtel discloses no such retentive engagement between its rigid plate 12 and bulging member pad 7 (having the metal pins 8) - the features respectively correlated by the Examiner to Applicant's pad and massage structure. Among other things, Wachtel prescribes the rigid plate 12 to be formed with straight side surfaces 12a extending upward from an annular base. Nowhere does Wachtel even suggest the formation, instead, of any "flange projecting at least partially over ... [the] restriction portion base to define a recess," as each of Applicant's pending Claims 1 and 9 now more clearly recites.

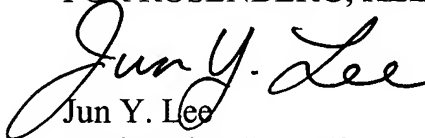
In its alternate embodiment shown in Fig. 3, moreover, Wachtel teaches the exclusion of this rigid plate 12 altogether. In that embodiment, the rigid plate 12 is replaced by a simple partition 14 formed to project upward from a bottom wall 4 of the brush's back 2. Wachtel hardly teaches, let alone even contemplates, a retentive engagement structure such as now more clearly recited by each of Applicant's pending independent Claims 1 and 10.

Given the deficient and contrary teachings of the Wachtel reference, the disclosures of the secondarily cited Huang and Gueret references are found to be quite ineffectual to the present patentability analysis. Neither of those secondarily-cited references discloses the combination of retentive engagement features recited as in Claims 1 and 10 for so securing a massage structure, orientation ring, and circular pad within an exterior cover.

It is respectfully submitted, therefore, that the cited references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending claims for the purposes and objectives disclosed in the subject Patent Application.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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